

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held March 4, 2015 at the Courthouse Building, Price, Utah, commencing at 4:30 p.m.

Those present: Casey Hopes, Excused
Jae Potter, Commissioner, Acting Chair
Jake Mellor, Commissioner

Also present: Seth Oveson, Clerk/Auditor
Lori Perez, Deputy Clerk
Sandy Lehman, Commission Secretary
Jeff Wood, Sheriff
Christian Bryner, Attorney
Rose Barnes, HR
Kay Colosimo, Treasurer
Julie Medley, Assessor

Clerk's Certificate of Compliance with Open Meeting Law was filed.

Commissioner Potter welcomed everyone and led the Pledge of Allegiance. The meeting began at 4:35 p.m.
Commissioner Hopes is out of town today and is excused.

1) Approval of Minutes

Commissioner Mellor made a motion to approve the minutes from the February 4, 2015 Work Meeting. Commissioner Potter stepped down and seconded. Motion carried.

Commissioner Mellor made a motion to approve the minutes from the February 4, 2015 Commission Meeting, Commissioner Potter stepped down and seconded. Motion carried.

Commissioner Mellor made a motion to approve the minutes from the February 10, 2015 Special Meeting. Commissioner Potter stepped down and seconded. Motion carried.

2) Carbon County Employee of the Month Recognition – Rose Barnes

Rose Barnes presented the employees of the month – IT Director Barry Horsley and Bryan Anderson. These men did an amazing job moving the Dispatch Center. Rose asked that they explain the relocating of the dispatch center. Barry said dispatch has moved into a new building and IT set up a functional temporary dispatch to keep them operating while they moved into the new facility. This occurred over a 3 ½ days period.

Bryan spent time at the towers reconfiguring the upgrades that were needed to keep 911 up and running. Rose and Barry thanked Erica, who nominated Barry and Bryan. Barry also thanked Erica and Steve who worked to keep the rest of the offices running so that Barry and Bryan could dedicate the necessary time to Emergency Services.

The Commissioners thanked Barry and Bryan for their dedication during this transition.

3) Award of contract for design of interpretive panels for wayside exhibits along Utah State Routes 31, 264 and 96 – Scenic Byways Committee

Seth explained that the work agreement with the US Forest Service is to place signs along the Scenic Byway. The proposals were opened at the Feb.18, 2015 Commission Meeting and given to the Byway Committee for review and recommendation.

Rosanne Fillmore said they received five excellent proposals. They assigned criteria to each proposal and narrowed it down to the top two. They are recommending Kimley Horne whose bid is \$18,500, which falls within the budget and meets the design requirements.

Commissioner Mellor asked why Kimley Horne was the top recommendation. Rosanne said they liked the look of the signs, their work ethics and their willingness to meet with the Committee. Kimley Horne understood and provided what they wanted and can meet the August 3rd deadline. This company has an experienced staff and crew.

Commissioner Mellor made a motion to accept the recommendation of the Byways Committee and award Kimley Horne the project. Commissioner Potter stepped down and seconded. Motion carried.

4) **Appeal of interest on 2010 property taxes – San Rafael Rehab, Jeff Ohlwiler**

Jeff Ohlwiler has submitted in writing his request for the appeal of the interest on his 2010 taxes.

Commissioner Potter explained that this is in consideration of San Rafael Rehab not receiving their tax notice or follow up post card notices, all properly addressed, but not delivered by the US Post Office. When Jeff received the tax sale notice he immediately came in and paid the taxes due and the penalty. He has not paid the interest because he wanted to appeal. Kay explained that the interest and penalty come off first and there is a remaining balance. The money still owed on the three parcels is \$455.34, \$181.93, and \$210.25 (total is \$847.52).

Commissioner Mellor asked what the original taxes were for 2010. Christian said for 2011 they were \$760, \$658, and \$1,647 for the three parcels. This would give you a ballpark figure. Kay said when he came in he paid close to \$2900 for 2010 which left 847.52 owing.

Commissioner Potter said Christian has investigated and the Commission has the ability to take action in regards to the interest. It comes down to whether or not the Commission wants to recognize the appeal on the interest noting that all other years were paid on a timely basis except for the year 2010 when the notices were not received by Mr. Ohlwiler.

Commissioner Mellor said the Commission has received letters of recommendations from various county officials and their insights. Commissioner Mellor made a motion that we waive the interest on the taxes owed for the year 2010 but not the following years because on the tax forms received in 2011 and forward it does say in big letters at the top, back taxes due. Granted it was a U.S. Postal Service error that caused this mistake and he believes it is a unique situation but feels that it does not set a precedent for other future business owners.

Christian asked that the Commission hear from Treasurer Kay Colosimo.

Kay explained that this is not a rare situation. She related several similar incidents and said that in the past twenty-five years nothing has been waived for businesses. Time has been extended for them to pay. She had 58 parcels going to the tax sale this year and has narrowed it down to 34 parcels. She feels that her office goes above and beyond to notify people who are past due. Frequently tax payers do not receive their notification but they still come in and pay their taxes. Kay said the notices are mailed but they cannot be sure that everyone actually receives them.

Commissioner Mellor said not being notified is a frequent occurrence due to the mail or some other outside source. Kay said it states in the code that a tax notice has to be mailed to everyone but how do you make sure that everyone gets the tax notice. Commissioner Potter said statutes are one thing, but our tax payers are really whom all elected officials serve and who pays for everything that we do, so whose responsibility is it if somebody does miss. Kay said it's the tax payer's responsibility. Commissioner Potter said but do we have a responsibility to them as a customer.

In a case like this where the original tax notice was returned by mail, which is not a rarity, but at the same time that individual or business who pays year after year until he gets a tax sale notice which is delivered and what would have happened if he hadn't received the tax sale notice because of the postal service even though the address is correct. The property would have ended up on a tax sale. Kay said this has happened before. Commissioner Potter's point is whose responsibility is it? Kay said it happened last year to a business in Helper where the original owner bought the property back from the person who bought it at the tax sale. Commissioner Potter's point is this seems to be one of those exceptional cases where you have a tax payer that has paid previous to that, didn't get the notices, and paid after that and now we are to this point. Kay stated that this has happened before. Christian explained that Kay's concern is that precedence will be established.

Seth explained that the code is written this way because if someone has one missing year and if allowed to apply the tax to the oldest year first then your tax payers can be four years delinquent without penalty. The payment is applied to the current year first so that people do not run in arrears. Kay said there are people

who will be on the tax sale every five years because they are consistently five years delinquent. Then there are cases like this one where only one year is five years delinquent.

Commissioner Potter made a substitute motion that due to the unusual circumstance that the amount remaining due be waived which is the interest portion for that period of time (all four years up to this point) and the account be considered paid in full based on what has already been paid.

Christian explained that if the Commission cannot pass this motion then it could be tabled to the next meeting or the matter could fall off of the agenda.

Commissioner Mellor seconded the substitute motion to waive the interest on Mr. Ohlwiler's 2010 taxes and consider them paid in full. Motion carried.

5) **Review and possible approval of Utah Youth Empowered to Succeed Contract for 4 Corners Community Behavioral Health – K. Dolan, 4 Corners Behavioral Health**

Karen Dolan explained this five year Utah Yes Grant is targeted for the 15-25 age groups where symptoms of mental illness begin. The money will be used for trying to stop long term hospital stays and the trajectory towards debilitating schizophrenia. Two health districts were chosen for this grant: Four Corners and Northeast Health District.

The funding will go directly to Four Corners to hire staff. The contract period is for \$300,000 per year for five years and if it needs to be changed or renewed it will come back before the Commission.

Commissioner Mellor made a motion to approve the Utah Youth Empowered to Succeed Contract, Commissioner Potter stepped down and seconded. Motion carried.

6) **Public Hearing on mental health and substance use issues in Carbon County – Karen Dolan, 4 Corners Mental Health**

Karen Cunningham, director of the Price office and Karen Dolan from the region office presented. They explained that Medicaid and the State require a public hearing each year as an overview of the services provided. Karen Dolan explained that mental health and substance use behavioral issues are very costly to the community. She further explained the history of the Four Corners Mental Health region, the comprehensive mental health and substance use treatment including drug courts, family courts, housing, outpatient care, and jail prevention. They offer follow up assistance and work closely with dispatch. They are available 24/7 as needed. Four Corners employs 87 people in the tri-county area and staff thirty therapists. They largely operate under grants and never refuse help to anybody due to the inability to pay.

Commissioner Potter began the public hearing at 5:27 p.m. Upon seeing no action the public hearing was closed at 5:28 p.m.

7) **Public Hearing to consider and possibly approve a recommendation of the Planning commission for an amendment to the Westwood No. 2 Plat for lots 47, 48, 49 and 50 – Blazevic**

Mr. Blazevic asked if the Commission had any questions. Commissioner Mellor commented on the amount of work done by Mr. Blazevic. Planning and Zoning were pleased with the work he has done. Mr. Blazevic has straightened out the boundary lines on the amended properties.

Commissioner Potter opened the public hearing at 5:29 pm. Seeing no action the public hearing was closed at 5:30 p.m.

Commissioner Mellor made the motion to accept the amendment to the Westwood No. 2 Plat for lots 47, 48, 49 and 50 in the Westwood Subdivision. Commissioner Potter stepped down and seconded. Motion carried.

8) **Consideration and approval of Memoranda of Understanding with BLM and possibly other governmental agencies for Carbon County Trail System Grand Opening – Shalee Johansen**

Shalee from the Travel Office and Josh from the BLM presented and asked for approval of the Memoranda of Understanding for the Carbon County Trail System Grand Opening planned for May 16, 2015 possibly extending into May 17.

Shalee explained that for this event to happen and to cross BLM administered lands without a fee the BLM needs to be a co-sponsor of the event. The purpose of the memorandum is to enhance visitor experience, to increase compliance with regulations and rules, reduce costs for use permits, establish relationships between the different entities, and to clarify and outline the responsibilities for the grand opening. She is also getting agreements with other property owners that will be impacted.

Shalee is proposing that the County agree to be a co-sponsor and help develop a plan in coordination with the BLM that includes advertising, activities and the location which is currently planned at the Fairgrounds. Her office will stay in contact with the BLM, follow all laws, maintain records of participation, and obtain any permits required. They will evaluate after the event and report to the Castle Country Trails Committee.

Josh from the BLM explained that the Special Recreational Permit process is required whenever there is an organized group or activity and involves any public advertisement. He suggested that they be a co-sponsor so that fees do not have to be charged.

The BLM developed the MOU to meet County requirements. They will share responsibility for promoting the grand opening of the Trail System through BLM websites and will bring down the Tread Lightly trailer as a mobile billboard which promotes the wise use of lands

Commissioner Potter reiterated that if he and his family and friends want to go ride the trails they won't need a permit. Josh explained that advertisement in any public forum trying to showcase an area for an event requires the SR permit.

Commissioner Mellor made a motion to approve the Memoranda of Understanding with the BLM for the grand opening of the Carbon County Trails system, Commissioner Potter stepped down and seconded. Motion carried.

9) **Review and possible approval of contract for Carnival during 2015 County Fair – Rhonda Peterson**

Christian changed the form to show that the County is the contractor and not the County Fair Committee.

Rhonda said the County has not had a carnival for 4 or 5 years. The City of Fun Carnival has been providing services to St. George for years and comes highly recommended. This is one year where our events do not conflict with St. George. The Carnival does not cost anything.

Commissioner Mellor made a motion to approve the contract for the Carnival at the 2015 County Fair as Christian has rewritten it. Commissioner Potter stepped down and seconded. Motion carried.

10) **Review and approval of County Warrant Edit Reports**

Commissioner Mellor made a motion to adjourn. Commissioner Potter stepped down and seconded. Motion carried.

Meeting adjourned at 5:44 p.m.

ATTEST:


Seth Oveson, County Clerk/Auditor

